

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

FRANCIS GRANDINETTI

PLAINTIFF

v.

No. 06-2052

PRESIDENT GEORGE W. BUSH; *et al.*

DEFENDANTS

ORDER

Now on this 29th day of January 2008, there comes on for consideration Plaintiff's Motion for Leave to Appeal out of time (Doc. 10), Plaintiff's Motion to Amend Docket Sheet (Doc. 14) and Motion for Leave to Appeal IFP (Doc. 17).

On September 27, 2007, Plaintiff filed a motion for leave to appeal out of time (Doc. 10). That same day, the U.S. District Clerk forwarded an IFP application to Plaintiff and directed him to either pay the filing fee for an appeal or to return the IFP application by October 12, 2007.

On October 15, 2007, Plaintiff filed a motion requesting additional time to complete and return the IFP application (Doc. 12). The Court granted this motion directing Plaintiff to return the IFP application by November 15, 2007.

On November 20, 2007, Plaintiff filed another motion (Doc. 15) seeking an extension and stating he was prevented from complying with the Court's deadline due to rioting where he is currently incarcerated. The Court granted that motion to allow Plaintiff until January 14, 2008, to pay the appeal fee or return the completed IFP application. The Court advised Plaintiff that no further extensions would be granted.

Plaintiff failed to comply with the January 14th deadline, however, he filed the instant motion (Doc. 17) on January 22, 2008. In the motion, Plaintiff attached an application to proceed IFP but requests another extension contending prison officials "refuse to certify IFP accounts, notarize his financial statements, or allow photocopies of legal documents at bar." Plaintiff further contends he remains on "riot lock-down status."

Plaintiff has failed to comply with the deadlines issued by this Court and his likelihood of success on appeal is negligible. Furthermore, Plaintiff represented on his application to appeal IFP that he has access to accounts totaling \$100,000.00. Accordingly, the Court finds that Plaintiff's Motion for Leave to Appeal out of time (Doc. 10) and Motion for Leave to Appeal IFP (Doc. 17) should be DENIED. Additionally, Plaintiff's Motion to Amend Docket Sheet (Doc. 14) is DENIED AS MOOT.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge